

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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RANDY ROSEN, *as*  
*Administrator of the Estate of*  
*Rita Rosen (Deceased)*

Plaintiff,

v.

MONTEFIORE, et al.,

Defendants.

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CASE NO. 1:21-cv-02104

OPINION & ORDER  
[Resolving Doc. [26](#)]

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RUBY CONNER, *as*  
*Administrator of the Estate of*  
*Frank S. Conner (Deceased)*

Plaintiff,

v.

MONTEFIORE, et al.,

Defendants.

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CASE NO. 1:21-cv-02108

OPINION & ORDER  
[Resolving Doc. [33](#)]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Plaintiffs filed suit against a nursing home and its employees in the Cuyahoga County Court of Common Pleas.<sup>1</sup> Defendants removed to federal court based on federal question jurisdiction and federal officer removal.<sup>2</sup> This Court granted Plaintiffs' remand motions on January 31, 2022.<sup>3</sup>

Defendants now request a 30-day stay of enforcement of the Court's remand order to

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<sup>1</sup> Doc. [1-2](#) (Case No. 1:21-cv-02104); Doc. [1-2](#) (Case No. 1:21-cv-02108).

<sup>2</sup> Docs. [1](#), [13](#) at 19–20 (Case No. 1:21-cv-02104); Docs. [1](#), [22](#) at 19–20 (Case No. 1:21-cv-02108); 28 U.S.C. §§ [1331](#), [1441\(a\)](#), [1442\(a\)\(1\)](#), [1446](#).

<sup>3</sup> Doc. [23](#) (Case No. 1:21-cv-02104); Doc. [31](#) (Case No. 1:21-cv-02108).

Case Nos. 1:21-cv-02104; 1:21-cv-02108  
GWIN, J.

provide Defendants an opportunity to file a Notice of Appeal.<sup>4</sup>

Rule 62(a) provides that “execution on a judgment and proceedings to enforce it are stayed for 30 days after its entry, unless the court orders otherwise.”<sup>5</sup> Rule 54(a) defines a judgment as including “any order from which an appeal lies.”<sup>6</sup> An order remanding a case removed under the federal officer removal statute is reviewable on appeal.<sup>7</sup>

Accordingly, the Court **VACATES** the judgments in these related cases, **REINSTATES** the matters, **RECALLS** the papers delivered to the State courts on remand, and **STAYS** further proceedings pending appeal or until March 2, 2022 if Defendants do not appeal.

IT IS SO ORDERED.

Dated: February 17, 2022

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>4</sup> Doc. 26 (Case No. 1:21-cv-02104); Doc. 33 (Case No. 1:21-cv-02108)

<sup>5</sup> Fed. R. Civ. P. 62(a).

<sup>6</sup> Fed. R. Civ. P. 54(a).

<sup>7</sup> 28 U.S.C. § 1447(d).